

1963

CONGRESSIONAL RECORD — SENATE

18741

Range, San Bernardino County, Calif., for defense purposes (Rept. No. 564).

By Mr. MOSS, from the Committee on Interior and Insular Affairs, without amendment:

S. 1584. A bill to approve a contract negotiated with the Newton Water Users' Association, Utah, to authorize its execution, and for other purposes (Rept. No. 566); and

S. 1687. A bill to approve the January 1963 reclassification of land of the Big Flat unit of the Missoula Valley project, Montana, and to authorize the modification of the repayment contract with the Big Flat Irrigation District (Rept. No. 565).

By Mr. SIMPSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 1299. A bill to defer certain operation and maintenance charges of the Eden Valley Irrigation and Drainage District (Rept. No. 567).

By Mr. WALTERS, from the Committee on Interior and Insular Affairs, with amendments:

S. 1243. A bill to change the name of the Andrew Johnson National Monument, to add certain historic property thereto, and for other purposes (Rept. No. 570).

By Mr. BARTLETT, from the Committee on Commerce, without amendment:

H.R. 75. An act to provide for exceptions to the rules of navigation in certain cases (Rept. No. 569).

TRANSPORTATION OF LUMBER— REPORT OF A COMMITTEE— MINORITY VIEWS (S. REPT. NO. 568)

Mr. MAGNUSON. Mr. President, from the Committee on Commerce, I report favorably, with amendments, the bill (S. 2100) to continue certain authority of the Secretary of Commerce to suspend the provisions of section 27 of the Merchant Marine Act, 1920, with respect to the transportation of lumber, and I submit a report thereon, together with minority views of Senators BEALL and THURMOND.

I ask that the report be printed, together with the minority views.

The PRESIDENT pro tempore. The report will be received, and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Washington.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KEATING:

S. 2242. A bill for the relief of Livia Serinini (Cucciatl); to the Committee on the Judiciary.

By Mr. BAYH:

S. 2243. A bill for the relief of Clarence C. and Lucy W. Russell; to the Committee on the Judiciary.

By Mr. JORDAN of North Carolina (for himself and Mr. Ervin):

S. 2244. A bill to provide for the establishment of the Cape Lookout National Seashore in the State of North Carolina, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MCINTYRE:

S. 2245. A bill for the relief of the town of Weare, N.H.; to the Committee on the Judiciary.

(See the remarks of Mr. MCINTYRE when he introduced the above bill, which appear under a separate heading.)

By Mr. JOHNSTON (by request):

S. 2246. A bill to extend the benefits of the Annual and Sick Leave Act of 1951, the Veterans' Preference Act of 1944, and the Classification Act of 1949 with respect to employees of county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DIRKSEN (for Mr. JORDAN of Idaho):

S. 2247. A bill to require that Irish potatoes sold or shipped in interstate commerce be labeled as to State of origin; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. DIRKSEN when he introduced the above bill, which appear under a separate heading.)

RESOLUTION

EULOGIES ON THE LATE SENATOR ESTES KEFAUVER, OF TENNESSEE

Mr. MANSFIELD submitted a resolution (S. Res. 216) providing for eulogies on the late Senator Kefauver, of Tennessee, which was considered and agreed to.

(See the above resolution printed in full when submitted by Mr. MANSFIELD, which appears under a separate heading.)

TOWN OF WEARE, N.H.

Mr. MCINTYRE. Mr. President, on July 25, 1963, the fire company of the town of Weare, N.H., extinguished a forest fire on land under the jurisdiction of the Corps of Engineers. I introduce a bill for the relief of the town, which paid the fire company for these services. Problems affecting local services on Government lands would be eased substantially by the passage of S. 815, now before the Intergovernmental Relations Subcommittee of the Committee on Government Operations.

This bill would cede jurisdiction over such lands back to the States on such questions as service of process, voting rights of residents, personal property taxes, and the duties of local governments. Until this knotted tangle of intergovernmental relations can be untied, claim bills such as the one I am introducing today will be necessary if fairness is to be observed.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2245) for the relief of the town of Weare, N.H., introduced by Mr. MCINTYRE, was received, read twice by its title, and referred to the Committee on the Judiciary.

LABELING OF IRISH POTATOES SHIPPED IN INTERSTATE COM- MERCE

Mr. DIRKSEN. Mr. President, on behalf of the Senator from Idaho [Mr. JORDAN], who is absent, I ask unanimous consent to have printed in the RECORD at this point a statement prepared by him in connection with the bill I am introducing in his behalf.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the statement will be printed in the RECORD.

The bill (S. 2247) to require that Irish potatoes sold or shipped in interstate commerce be labeled as to State of origin, introduced by Mr. DIRKSEN (for Mr. JORDAN of Idaho), was received, read twice by its title, and referred to the Committee on Agriculture.

The statement of Mr. JORDAN of Idaho, presented by Mr. DIRKSEN, is as follows:

STATEMENT BY SENATOR JORDAN OF IDAHO

The bill is of extreme importance to my State of Idaho. Our potatoes are known throughout the whole country as potatoes which are different from all others. Why is this true? Without going into great detail, I will explain as follows: The great potato fields of Idaho are, for the most part, in the Snake River Valley. There the soil is volcanic ash, rich in nitrogen. Until irrigation came to this section of the country, little was grown in this soil. Now, however, this is practically all potato country—Idaho potato country. And it is no fable that a potato of just as high a quality grown anywhere else in the country will not be like an Idaho potato.

When potatoes are planted, which I am sure many of you know, old potatoes are cut up so that each piece has at least one eye. These pieces with the eyes are then planted and the new potato plants will grow from them. You could literally take an Idaho russet, cut it up in pieces—each with an eye—and plant half of the pieces in the potato country in Idaho and the other half of the pieces back here in the East, and the plants that grow from the two different groups of pieces would produce potatoes which would taste differently. That would be true even if all other growing conditions were equal—cultivation, irrigation, and so forth. The substances in the soils would make the difference. A true Idaho potato cannot be grown anywhere but in the type soil that is found in the State of Idaho and in one county in the State of Oregon.

We in Idaho have capitalized on this one fact. Our success in past years with growing and merchandising Idaho russet potatoes has been the envy of all potato producing areas. We have, through untiring efforts and the expenditure of innumerable dollars, produced and sold a quality potato, a premium potato, and a different potato—and it is known as an Idaho potato. Because of our belief in the quality of the potato we produce and market, we have consistently opposed legislation to provide acreage allotment controls for potatoes; we have consistently refused to sacrifice quality for quantity; and we have consistently put our faith in the demands and the preference of the consumer for a quality product.

But, although it has been the people of Idaho who have invested their time, money, and efforts into building up the reputation of the quality Idaho potato, people in other areas many times have benefited just as much from Idaho's efforts. That is because they in other areas sell their potatoes as "Idaho potatoes" when they are not.

Often this is the case. When you have a quality product, inferior imitations soon enter the market place. Some even lend greater credulity and strength to the quality product. But such has not been the case so far as the Idaho potato is concerned. In this situation, competition and imitation have taken the form of misrepresentations and fraud; and as a consequence, the Idaho potato market has suffered.

It is impossible to enter any market in this country today to buy an Idaho potato and be certain that you are getting an Idaho potato—even though the bag may be clearly marked, "Idaho," or, "grown in Idaho." Housewives do not like this; I do not like this; and most definitely the people of Idaho do not like this.

In the past years it has become common practice to put inferior potatoes grown elsewhere into plastic bags clearly marked that the potatoes were grown in Idaho. That increases the profit margin of the potatoes being sold. Some producer somewhere else in the country, by deceit and fraud, is reaping part of the benefits brought about by the hard work and the devotion to quality of the potato growers in the State of Idaho. In addition, such a misrepresentation has a twofold effect on my State's tubers—it degrades the high quality of our potatoes, and it cuts appreciably into the sales of our potatoes.

There are now laws on the statute books which do make some attempt to prohibit this misrepresentation. But for every bag, every potato that is found to be mislabeled, hundreds, even thousands more go undetected.

At the request of the Idaho potato industry, I gladly join in sponsoring with the senior Senator from Idaho this bill which will effectively outlaw such reprehensible practices. The purpose of the bill is simple: It requires only that all potatoes be labeled as to the State of origin. It is hoped that such labeling will totally eliminate any and all misrepresentations to the buying public.

This bill has the endorsement of the entire potato industry of Idaho, and has been thoroughly examined and approved by the Idaho Potato and Onion Commission. It is a bill which has been the subject of many meetings and of every possible consideration. Frankly, it also has the endorsement of most of the other major potato-producing States, for it is equally important to them that the potato industry as a whole should not fall into disrepute with the consuming public.

Since a new crop of quality Idaho potatoes will soon be harvested, it is my hope that this bill will receive the earliest possible consideration.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, October 17, 1963, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 123) to authorize the printing and binding of an edition of "Senate Procedure" and providing the same shall be subject to copyright by the authors.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE APPENDIX

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Appendix, as follows:

By Mr. KEATING:

Article entitled "Cannot U.S.-Supported International Banks Aid Needy, Essential U.S. Railroads, Too?" by Arne C. Wiprud, published in Traffic World, July 27, 1963, and an editorial entitled "The World Bank and Needy U.S. Railroads," also published in Traffic World issue of September 7, which will appear hereafter in the Appendix.

By Mr. MILLER:

Article entitled "Joe Gerber Grew Up With Iowa Football at Racine's" published in the Iowa City Press-Citizen.

By Mr. BOGGS:

Resolution adopted at a Pulaski Day celebration in Wilmington, Del., relating to Poland.

JUSTICE DEPARTMENT SUPPORTS CASTRO GOVERNMENT SUIT IN INCREDIBLE BRIEF

Mr. KEATING. Mr. President, the difficulty in pursuing effective economic measures against the Castro regime is illustrated in a unique manner by a brief recently filed in the Supreme Court by the Department of Justice.

In this brief, the Department of Justice joins on the side of a Castro-owned bank in Cuba, the Banco Nacional, to defeat the claims of a U.S. company for the proceeds from the sale of sugar seized by the Castro regime without the payment of any compensation to the original American owners of the sugar.

It is conceded that the seizure of the sugar by the Castro regime, like its other nationalization decrees against American-owned property, violated international law. Nevertheless, the Department of Justice, joined by a minor official of the Department of State, has filed a brief urging the Supreme Court to overturn two lower court decisions dismissing the claim of the Cuban bank.

Stripped of legal technicalities, what is happening in this case is that the U.S. Government has joined a Castro agency in a Federal court action to block payment to an American firm for the value of the American-owned sugar unlawfully seized by the Castro regime. That is exactly the state of facts.

I am sure that this will strike many as an incredible situation. When reports of this case first came to my attention I was certain that the situation had been exaggerated, if not misunderstood, and asked the Solicitor General to send me a copy of the brief. That brief, to my utter dismay, fully confirmed the allegations with respect to the position of the Department of Justice.

It is my consistent practice to refrain from commenting on the merits of cases in litigation and I do not intend to discuss the merits of the dispute involved in this case. But the United States is not a party to the suit and its action in this litigation from the point of view of our international relations certainly is an appropriate subject for public comment and consideration.

Mr. President, I still cannot bring myself to believe that responsible officials of the Department of State are aware of the position taken by the Government lawyers in this suit and I am encouraged by the fact that the highest ranking State Department official whose name appears on the brief is merely an Assistant Legal Adviser for Economic Affairs. Indeed there are indications in the brief that even the Department's Legal Adviser opposed any intervention by the United States in the litigation and the U.S. Court of Appeals, in upholding a dismissal of the Banco Nacional's complaint, appears to have relied on the Legal Adviser's position in reaching the decision that the Castro government's action violated international law.

There have been encouraging signs in recent months of determined U.S. efforts to bring effective economic pressures against the Castro regime, such as

I have proposed on many occasions. Yet the brief in this case actually suggests that one general consideration for refraining from striking down the Castro government's nationalization decree under principles of international law is that it would "prove seriously offensive to, and injure relations with, the acting foreign state." How any official of our Government at this stage in history can suggest such a rationale for upholding Castro's discriminatory and retaliatory measures against Americans with property interest in Cuba defies understanding. Certainly such statements cannot be squared with our avowed determination to isolate Castro politically and economically from the rest of the Western Hemisphere.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. KEATING. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KEATING. Mr. President, until it is conclusively shown to the contrary, I shall construe this brief as an unfortunate bureaucratic error reflecting not a change in U.S. policy but the difficulties of coordinating policy in the executive branch. However, this experience should lead to new steps by the Department of State to make certain that every affected agency of the Government adheres to the State Department's foreign policy views in carrying out its responsibilities.

I am hopeful, that this matter will be reviewed by the Secretary of State now that attention has been called to the Government's brief. The Solicitor General is a man of considerable legal ability, but certainly, the foreign policy considerations involved in dealing with such claims by the Castro government should be determined by the Secretary of State and not by the Department of Justice.

TITO

Mr. YOUNG of Ohio. Mr. President, through the years a great deal of our taxpayers' money has gone to Tito's Yugoslavia. Many Americans wonder why we have given such aid and how it has been used.

The facts are that from 1946 to 1951 total economic aid to Yugoslavia was \$298 million. There was no military aid. At that time conditions were desperate within Yugoslavia, as they were elsewhere in war-torn Europe. American assistance was given to prevent starvation, disease and disaster. During those years Harry S. Truman was President of the United States.

However, during President Eisenhower's administration, surprisingly enough, under his so-called mutual security program, from 1953 to 1960 we Americans paid out economic aid to Yugoslavia amounting to \$899 million. We also paid out in those years military aid amounting to \$647 million. This total is startling.

Mr. President, I am pleased that under President Kennedy we are truthfully terming the program "foreign assistance" and not disguising it as "mutual